

08/09 03 MO 22:04 FAX 49 02204 8306 89

Miltenyi Biotec GmbH

001

PTO/SB/97 (06-03)

Approved for use through 07/31/2008, OMB 0651-0031

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## Certificate of Transmission under 37 CFR 1.8

OFFICIAL

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on 09/08/2003  
Date

RECEIVED  
CENTRAL FAX CENTER

SEP 15 2003

*Elmar R. Burchardt*

Signature

ELMAR R. BURCHARDT

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- \* STATEMENT UNDER 37 CFR 3.73 (c) 1 page
- REVOCATION OF POWER OF ATTORNEY 1 page
- \* ASSIGNMENT OF INVENTION BY BAYER AG 1 page
- \* COPY OF RECORDATION FORM COVER SHEET 1 page
- \* SUMMARY OF SUBMITTED MATERIALS AND AMENDMENTS 6 pages

including ~~certified~~ Total: 12 pages

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/96 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: ELMAR R. BURCHARDT / BAYER AKTIENGESELLSCHAFTApplication No./Patent No.: 09/830,741 Filed/Issue Date: 6/21/2001

Entitled:

ELMAR R. BURCHARDT, a GERMAN CITIZEN & PRIVATE INVENTOR  
 (Name of Assignee) RECEIVED  
CENTRAL FAX CENTER

states that it is:

1.  the assignee of the entire right, title, and interest; or  
 2.  an assignee of less than the entire right, title and interest.  
 The extent (by percentage) of its ownership interest is \_\_\_\_\_ %  
 in the patent application/patent identified above by virtue of either:

A.  An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

**OR**

B.  A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: INVENTORS To: BAYER AKTIENGESELLSCHAFT  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel 011936, Frame 0036, or for which a copy thereof is attached.
2. From: BAYER AKTIENGESELLSCHAFT To: ELMAR R. BURCHARDT  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.
3. From: \_\_\_\_\_ To: \_\_\_\_\_  
 The document was recorded in the United States Patent and Trademark Office at  
 Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

[ ] Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.  
 [NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

09/07/2001

Date

(49) 173 5474 107

Telephone number

ELMAR R. BURCHARDT  
 Typed or printed name  
C. REILLY

Signature

PRIVATE INVENTOR  
 Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/82 (08-03)

Approved for use through 11/30/2006. OMB 0651-0035  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**REVOCATION OF POWER OF  
ATTORNEY and APPOINTMENT OF  
NEW POWER OF ATTORNEY**

|                        |                    |
|------------------------|--------------------|
| Application Number     | 09/830,741         |
| Filing Date            | 06/21/2001         |
| First Named Inventor   | ELMAR R. BURCHARDT |
| Art Unit               | 1654               |
| Examiner Name          | RUSSEL, JEFFREY E. |
| Attorney Docket Number | LEA 33256          |

I hereby revoke all previous powers of attorney given in the above-identified application: 09/830,741

 A Power of Attorney is submitted herewith.

OR

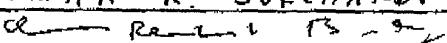
 I hereby appoint the practitioners at Customer Number:  Please change the correspondence address for the above-identified application to: The address associated with  
Customer Number: 

OR

|  |                    |       |           |
|--|--------------------|-------|-----------|
| <input checked="" type="checkbox"/> Firm or<br>Individual Name | ELMAR R. BURCHARDT |       |           |
| Address  | DAMASCHKEWEG 69    |       |           |
| Address  |                    |       |           |
| City   | WUPPERTAL          | State | Zip 42113 |
| Country  | GERMANY            |       |           |
| Telephone  | (49) 202 710019    | Fax   |           |

I am the:

 Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)**SIGNATURE of Applicant or Assignee of Record**

|           |   |           |                  |
|-----------|---|-----------|------------------|
| Name      | ELMAR R. BURCHARDT  |           |                  |
| Signature |  |           |                  |
| Date      | 09/06/2001  | Telephone | (49) 173 5474167 |

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

 Total of  forms are submitted.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.  
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Attorney Docket No. Le A 33 256

**ASSIGNMENT OF INVENTION**

In consideration of the payment by ASSIGNEE to ASSIGNOR of the sum of one dollar (\$1.00) and for other good and valuable consideration, the receipt of which is hereby acknowledged,

**ASSIGNOR:**

BAYER AKTIENGESELLSCHAFT, a corporation of Germany, located at D 51368 Leverkusen, Germany

hereby sell(s), assign(s) and transfer(s) to

**OFFICIAL  
RECEIVED  
CENTRAL FAX CENTER**

SEP 15 2003

**ASSIGNEE:**

Elmar Reinhold Burchardt, a German citizen residing at Damaschkeweg 69, 42113 Wuppertal, Germany, and his successors, assigns and legal representatives,

the entire right, title and interest in and to, including the right to claim priority from, the invention(s) disclosed in

U.S. Patent Application Serial Number 09/830,741, filed on June 21, 2001, which is entitled: "Phosphinate Peptide Analogs for the Treatment of Fibrotic Disorders"

and any legal equivalent thereof in a foreign country,

and in and to all Letters Patent and equivalents thereof to be obtained for said invention in all countries by the above application or any continuation, division, renewal, substitute or equivalent thereof, as well as to any reissue, reexamination, patent term restoration, or equivalent thereto.

ASSIGNOR hereby covenants that no assignment, sale, agreement or encumbrance has been or will be made or entered into which would conflict with this assignment, and that ASSIGNEE will, upon ASSIGNEE's request, be provided promptly with all pertinent facts and documents relating to said invention(s) and said Letters Patent and legal equivalents as may be known and accessible to ASSIGNOR, and ASSIGNOR will testify as to the same in any interference, litigation or other proceeding related thereto, and will promptly execute and deliver to ASSIGNEE or its legal representative(s) any and all papers, instruments or affidavits required to apply for, obtain, maintain, issue and enforce said application, said invention(s) and said Letters Patent and said equivalents thereof which may be necessary or desirable to carry out the purposes thereof.

IN WITNESS WHEREOF, the undersigned ASSIGNOR executed this assignment this  
19 day of August, 2003 at Leverkusen, Germany.

BAYER AKTIENGESELLSCHAFT

By: *Xin Q.*  
ppa. Dr. Wolfgang Ehrenstein

ppa. Dr. Nils Perchenek  
- both secretaries -

6 1 73 256 - 64

Received from &lt;49 02204 8306 89&gt; at 9/8/03 4:08:20 PM [Eastern Daylight Time]

Form PTO-1595  
(Rev. 10/02)

OMB No. 0651-0027 (exp. 6/30/2006)

RECORDATION FORM COVER SHEET  
**PATENTS ONLY**U.S. DEPARTMENT OF COMMERCE  
U.S. Patent and Trademark Office

Tab settings → → →

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

B A Y G R AKTIEN GESELLSCHAFT  
D - 51368 LEVERKUSEN  
GERMANY

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger         |
| <input type="checkbox"/> Security Agreement    | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____           |   |

Execution Date: 08/19/2003

## 2. Name and address of receiving party(ies)

Name: ELMAR R. BURCHARDT

Internal Address: \_\_\_\_\_

Street Address: DAMASCHKEWEG 69

City: WUPPERTAL State: GERMANY Zip: 42113

Additional name(s) & address(es) attached?  Yes  No

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

091830,741

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: ELMAR R. BURCHARDT

Internal Address: \_\_\_\_\_

Street Address: DAMASCHKEWEG 69

City: WUPPERTAL State: GERMANY Zip: 42113

## 6. Total number of applications and patents involved: 1

7. Total fee (37 CFR 3.41).....\$ 40

 Enclosed Authorized to be charged to deposit account

## 8. Deposit account number:

(Attach duplicate copy of this page if paying by deposit account)

## DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

ELMAR R. BURCHARDT

08/19/2003

09/07/2003

Name of Person Signing

Signature

Date

Total number of pages including cover sheet, attachments, and documents: 

Mail documents to be recorded with required cover sheet information to:

Commissioner of Patents & Trademarks, Box Assignments  
Washington, D.C. 20231

Dr. Dr. Elmar Reinhold Burchardt  
Damaschkeweg 69  
42113 Wuppertal  
Germany  
5 Tel. (49) 173 5474107  
(49) 202 710019  
email: elmar.r.burchardt@web.de

September 6, 2003

10 In the  
United States Patent and Trademark Office  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

15

Application No. 09/830,741  
Filing Date: 06/21/2001  
First named inventor: Elmar-Reinhold Burchardt  
20 Attorney Docket No.: LE A 33 256  
Confirmation No. 2024  
Examiner: Russel, Jeffrey E.  
Art Unit: 1654

25

Sir:

This replies to the Office Action Summary mailed to Bayer Inc. on  
25/06/2003.

30

Submitted herewith are:

1. Statement under 37 CFR 373 (b)
2. Revocation of power of attorney
- 35 3. Amendments to claims
4. Amendments to specifications
5. Amendments to the abstract

40 The following amendments have been carried out:

With regard to 3, the last line of claims 2 and 3 are now omitted to clarify the  
claimed stereoconfigurations.

45 With regard to 4, the appropriate corrections with regard to point 3 of the Of-  
fice Action Summary from 25/06/2003 are now included.

With regard to 5, the intended therapeutic use has been added.

50 If the Examiner believes that a conversation with the applicant would be help-  
ful in expediting the prosecution of this application, the Examiner is invite to  
the private inventor at the telephone numbers indicated in the letter head or  
to contact him by email.

08/09 03 MO 22:06 FAX 49 02204 8306 89

Miltenyi Biotec GmbH

007

Respectfully submitted,

5

  
Elmar R. Burchardt, M.D., Ph.D., M.Sc.